



Paul Helliker
Director

Department of Pesticide Regulation



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Governor

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Environmental
Protection Agency

April 16, 2003

TO: Interested Parties

SUBJECT: POLICY ON RELEASE OF WELL DATA COLLECTED BY THE
DEPARTMENT OF PESTICIDE REGULATION CONCERNING WELLS
SAMPLED FOR PESTICIDE RESIDUE

BACKGROUND

As required by the Pesticide Contamination Prevention Act (PCPA), the Department of Pesticide Regulation (DPR) maintains a statewide database of wells sampled for pesticide residue. All agencies that conduct sampling are mandated to submit results to DPR. Water samples may be obtained from domestic wells that supply water to individual households, agricultural wells used in farming operations, or from municipal wells that supply water to communities. Information concerning the location of these wells is stored in the well inventory database (WID) using a unique identifier that corresponds directly to a geographical location of the individual well. Many of the identification numbers are obtained from the Department of Water Resources. The number is based on the public lands survey, combining information on county, township, range, section, and tract.

DISCUSSION

DPR's current policy regarding public requests for information extracted from the database is to provide the well number of any sampled well if that information is requested. A recent determination by the Department of Health Services (DHS), Division of Drinking Water and Environmental Management, states that the public interest served by not disclosing information related to the geographical location of drinking water sources, clearly outweighs the public interest served by disclosure of such information. Based on the change in DHS policy, DPR's standing policy on the release of well location information should also be revised. The policy should reflect the need for an increase in security while continuing to provide the necessary information for effective regulation. The revised policy with respect to public records requests and limited disclosure with respect to the PCPA is as follows:

Public Records Request Policy for Data Collected by DPR

When DPR receives a request for well data from a public agency or private entity, DPR will not release or otherwise disclose the well owner's personal information, including the individual's name, home address and telephone number.

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With respect to the location of the well, DPR will provide minimal geographical information that includes the county, township, range, and section. The exact well location will not be disclosed.

Limited Disclosure of Individual's Personal Information to Registrants for Legal Proceedings Under the PCPA

The PCPA requires the DPR Director to notify the pesticide product registrant when an active ingredient of a pesticide has been found in ground water. In the notification, DPR includes general information on the location of the pesticide detections, such as the county name. The PCPA then allows the registrant to request a hearing within 30 days after the notice is issued. A subcommittee of the Pesticide Registration and Evaluation Committee reviews the registrant's documented evidence and report, which are required by the PCPA, and any other information or data the subcommittee determines is necessary.

If additional information is requested concerning specific locations of the sampled wells, DPR will provide the locations and addresses of the wells to the registrant so the registrant will have the opportunity to obtain additional information it may need to prepare the required documented evidence. Information provided to a registrant may include the well owner's home address, but DPR will not provide the registrant with a well owner's name or telephone number unless DPR obtains written permission from the individual to release that information.

Approved: Paul Helliker
Paul Helliker, Director

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